



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023



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December 2, 1999

Robert D. Elliott
President and CEO
Aerovox Incorporated
740 Belleville Avenue
New Bedford, Massachusetts 02745-6194

Superfund Records Center

FILE: Aerovox

DATE: 10-7

OTHER: _____

Re: Administrative Order on Consent for Aerovox Site

Dear Mr. Elliott:

I am very pleased that Aerovox Incorporated is proceeding with its plans to move to a new facility in New Bedford, and to ensure the eventual removal of the existing PCB-contaminated building and capping of the site to address future risks of PCB exposure. I commend you and your company for the dedication and good faith you have shown in reaching agreement with EPA New England on the terms of the Administrative Order on Consent that I signed on September 15, 1999.

I am writing also to clarify the intended coverage of the actions to be taken under the Administrative Order on Consent (AOC). Under its terms, the AOC addresses only those actions to be taken to address PCB contamination in the Aerovox building and in the soils on the site. As you know, EPA's evaluation is that the presence of PCBs in the building and site soils present risks that are appropriately addressed under EPA's "imminent and substantial endangerment" authority under Section 7003 of RCRA.

In the course of the site investigation undertaken by EPA and Aerovox to evaluate the conditions at the Aerovox site, EPA learned that there was also contamination of groundwater at the site. In particular, the Engineering Evaluation and Cost Analysis (EE/CA) prepared by Blasland, Bouk & Lee, Inc. for Aerovox in 1998 lists various volatile organic compounds and PCB levels found through groundwater sampling and analysis. The EE/CA analyzes the direction of groundwater flow for both perched and at-depth groundwater, and opines that the direction of flow beneath the site is toward the Acushnet River. EPA has not performed a formal risk assessment for groundwater at the site, however, based on the levels of contaminants found in the groundwater, and the apparent direction of groundwater flow, EPA has decided that it is not necessary to address groundwater contamination as part of this action. As a result, the AOC does not require any actions or measures directed at groundwater quality or mobility at the site. Based on the groundwater information EPA has received to date, EPA does not consider the groundwater contamination at the site to be a contributing factor in the "imminent and substantial endangerment" being addressed under Section 7003 of RCRA and the AOC.

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Internet Address (URL) • <http://www.epa.gov/region1>

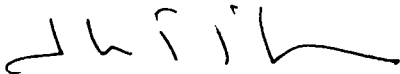
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As a general matter, an EPA cleanup (such as a removal action under CERCLA or an administrative order under RCRA 7003) does not always address every environmental condition at a site. Where, as here, levels of contamination are noted but not addressed in the cleanup, EPA may notify the appropriate state environmental agency of the condition, and inform the state that the current response action will not address the particular condition.

In this case, having determined that it is not necessary to address groundwater as part of this action, EPA has referred the groundwater contamination issues to the Massachusetts Department of Environmental Protection (DEP). EPA understands that Aerovox and the DEP have entered into an administrative consent order that addresses Aerovox's responsibilities under Massachusetts law at the site, including the protection of groundwater. Absent changes in conditions, or the receipt of new information, EPA has no intention of requiring Aerovox to take further action with respect to groundwater quality at the site.

If you have any questions, please feel free to call me or Ira Leighton, Director of the Office of Environmental Stewardship, at (617) 918-1701, or attorney Thomas Olivier at (617) 918-1737.

Sincerely,

A handwritten signature in black ink, appearing to read 'J P DeVillars', with a stylized flourish at the end.

John P. DeVillars
Regional Administrator

cc: Colburn T. Cherney, Esq.